

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

KrisJenn Ranch, LLC,

Debtor

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CHAPTER 11

CASE No. 20-50805

KrisJenn Ranch, LLC, KrisJenn Ranch, LLC-Series Uvalde Ranch, and KrisJenn Ranch, LLC-Series Pipeline ROW, as successors in interest to Black Duck Properties, LLC,

Plaintiffs,

V.

DMA Properties, Inc., Frank Daniel
Moore, and Longbranch Energy, LP,

Defendants.

ADVERSARY No. 20-05027

DMA Properties, Inc., Frank Daniel Moore, and Longbranch Energy, LP,

Counterplaintiffs,

V.

KrisJenn Ranch, LLC, KrisJenn Ranch, LLC-Series Uvalde Ranch, and KrisJenn Ranch, LLC-Series Pipeline ROW, Black Duck Properties, LLC, Larry Wright,

Counterdefendants.

ADVERSARY No. 20-05027

LONGBRANCH, DMA, AND MOORE’S DEPOSITION DESIGNATIONS

Longbranch Energy, DMA Properties, and Frank Daniel Moore hereby provide the following deposition designations in advance of trial.

First, nonparty witnesses Adam McLeod is expected to be unavailable to testify at trial and will be presented by deposition designation. Under Federal Rule of Civil Procedure 32(a)(4), a party may use the deposition of a witness “for any purpose” if the witness is unavailable at the time of trial. In turn, a witness is “unavailable” under Rule 32(a)(4) if the witness is more than 100 miles from the place of hearing or trial. As is established in his deposition testimony, Adam McLeod lives and resides more than 100 miles from San Antonio. Correspondingly, his deposition may be used for any purpose. Longbranch, DMA, and Moore designate the following portions of the deposition transcript for use at trial:

<u>Adam McLeod</u>	
6:16-22	170:18-171:14
7:11-17	172:8
8:8-12	173:2-174:5
9:15-20	175:5-16
11:7-12:5	176:18-176:15
16:13-17	178:11-25
17:25-18:7	179:3-18
38:2-25	181:13-22
41:5-42:17	182:13-21
43:16-44:20	183:3-9
46:17-47:13	203:25-204:5
47:20-48:12	206:9-12
63:15-64:6	206:19-207:5
64:21-65:22	235:23-237:4
66:7-13	237:17-238:10
66:20-67:10	
67:23-68:6	
70:18-71:19	
80:7-23	
110:5-113:11	
166:5-12	
167:22	

Second, under Federal Rule of Civil Procedure 32(a)(3), an adverse party may use the deposition of a corporate representative for any purpose. On September 29, 2020, Larry Wright gave deposition testimony in his capacity as the corporate representative for KrisJenn Ranch, LLC and its series. Longbranch, DMA, and Moore designate the following portions of the deposition transcript for use at trial:

<u>Larry Wright (09/29)</u>	
8:21-9:10 15:21-16:4 16:21-17:22 196:1-10 212:6-9 214:3-215:2 215:19-216:8 216:13-19 224:18-225:9 240:19-241:5. 242:4-243:4 244:8-246:21	

DMA, Moore, and Longbranch will provide highlighted copies of the transcripts to the Court at the time of trial.

Respectfully submitted,

/s/ Christopher S. Johns

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2021 a true and correct copy of the foregoing document was transmitted to each of the parties via the Court's electronic transmission facilities and/or via electronic mail as noted below. For those parties not registered to receive electronic service, a true and correct copy of the foregoing document was served by United States Mail, first class, postage prepaid, at the address noted below.

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